



GAIL FARBER, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331

<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

February 16, 2016


The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

31 February 16, 2016


PATRICK O'GAWA
ACTING EXECUTIVE OFFICER

**GRANT OF EASEMENT
FROM THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
TO THE CITY OF POMONA
THOMPSON CREEK PARCELS 98GE AND 103GE
AND PROJECT 275-520 PARCELS 1GE AND 2GE
IN THE CITY OF POMONA
COUNTY OF LOS ANGELES
(SUPERVISORIAL DISTRICT 1)
(3 VOTES)**

SUBJECT

This action is to approve the grant of easement from the Los Angeles County Flood Control District to the City of Pomona for waterline purposes in Thompson Creek in the City of Pomona.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find this transaction categorically exempt from the provisions of the California Environmental Quality Act.
2. Find the grant of easement for waterline purposes in, on, over, and across Thompson Creek Parcels 98GE and 103GE and Project 275-520 Parcels 1GE and 2GE, in the City of Pomona, and the subsequent use of said easement will not interfere with the use of those parcels for any purposes of the Los Angeles County Flood Control District.

3. Approve the grant of easement from the Los Angeles County Flood Control District to the City of Pomona for waterline purposes in, on, over, and across Thompson Creek Parcels 98GE and 103GE and Project 275-520 Parcels 1GE and 2GE, in the City of Pomona, for \$2,670.

4. Instruct the Chair of the Board of Supervisors to sign the Easement document and authorize delivery to the City of Pomona.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval from the Board, acting as the governing body of the Los Angeles County Flood Control District (LACFCD), to grant an easement for waterline purposes in, on, over, and across Thompson Creek Parcels 98GE and 103GE and Project 275-520 Parcels 1GE and 2GE, in the City of Pomona, from the LACFCD to the City of Pomona. The City requested this easement for its District 6 Phase 2 Water Main Replacement Project.

The grant of the easement is not considered adverse to the LACFCD's purposes and will not hinder the use of Thompson Creek for possible transportation, utility, or recreational corridors. Moreover, the instrument reserves paramount rights for LACFCD's purposes.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Services Delivery (Goal 3). The revenue received from this transaction will help promote fiscal sustainability for the operation and maintenance of our flood control facilities. This transaction will also allow for the continuation of utility services in the area, thereby improving the quality of life for the residents of the County.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The cost of the easement in the amount of \$2,670 represents the LACFCD's fair market value of the easement. This amount has been paid and deposited into the Flood Control District Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Thompson Creek Parcels 98GE and 103GE and Project 275-520 Parcels 1GE and 2GE are located at the intersection of Foothill Boulevard and Garey Avenue, in the City of Pomona.

The proposed grant of easement is authorized by Section 2, subsection 13, of the Los Angeles County Flood Control Act. This section provides as follows: "The Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and has all the following powers...13. To lease, sell, or dispose of any property (or any interest therein) whenever in the judgment of the board of supervisors of the property, or any interest therein or part thereof, is no longer required for the purposes of the district..."

The Easement document has been approved by County Counsel as to form and will be recorded.

ENVIRONMENTAL DOCUMENTATION

The grant of the easement is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15302(c) of the CEQA Guidelines, and Class 2(b) of the Environmental Document Reporting Procedures and Guidelines adopted by the Board. These exemptions provide for replacement of existing water mains with new structures of substantially the same purpose and capacity on the same site. The City is the lead agency for this District 6 Phase 2 Water Main Replacement Project, and a Notice of Exemption was prepared by the City and filed with the County Clerk on October 23, 2014.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action allows for the joint use of the LACFCD right of way without interfering with the primary mission of the LACFCD.

CONCLUSION

Please return one adopted copy of this letter and the executed original Easement document to the Department of Public Works, Survey/Mapping & Property Management Division. Retain the duplicate for your files.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER

Director

GF:SGS:ds

Enclosures

c: Auditor-Controller (Accounting Division–Asset Management)
Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office

DUPLICATE

RECORDING REQUESTED BY
AND MAIL TO:

City of Pomona
505 South Garey Avenue
Pomona, CA 91766-3320

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX
PURSUANT TO SECTION 11922 OF THE REVENUE & TAXATION CODE.

Space Above This Line Reserved for Recorder's Use

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO
SECTION 27383 OF THE GOVERNMENT CODE.

Assessor's Identification Numbers:
8370-009-905 and 906 (Portions)

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), does hereby grant to the CITY OF POMONA, a municipal corporation (hereinafter referred to as the CITY), an easement for water line purposes in, on, over, under, and across the real property in the City of Pomona, County of Los Angeles, State of California, described in Exhibit A and shown on and delineated on Exhibit B, both of which are attached hereto and by this reference made a part hereof.

The easement granted herein shall be subject to all matters of record and to the following reservation and conditions, which CITY by the acceptance of this Easement document and/or the exercise of any of the rights granted herein, agrees to keep and perform, viz:

1. DISTRICT reserves the paramount right to use said land for flood control purposes.
2. CITY agrees that it will not perform or arrange for the performance of any construction or reconstruction work in, on, over, under, and across the land herein described until the plans and specifications for such construction or reconstruction work shall have first been submitted and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District. Such approval by DISTRICT shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. Furthermore, such approval cannot be relied upon for any other purpose or by any third party for any reason whatsoever. DISTRICT does not accept ownership or responsibility for the improvements.

Thompson Creek (City of Pomona)
(Files: Thompson Creek 98 and 103)
Parcels 98GE and 103GE
Also affects Project 520, Parcels 1GE and 2GE
23-RW7.2 and 275-520-RW1
S.D. 1 M1523002
Project ID No. MPR0000679

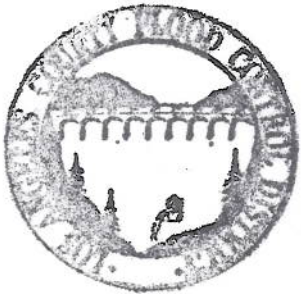
DB:bw

SMP-9\CONF\DBEASETHOMPSONCREEK98GEAND103GE 12815 FNL 12915

3. CITY agrees that it shall indemnify, defend, and save harmless DISTRICT, its officers, agents, and/or employees, from any and all claims, demands, liability, loss, damage, or expense to which DISTRICT, its officers, agents, or employees may be subjected as the result of any act or omission by CITY, its officers, agents, and/or employees or contractors, arising out of the exercise by CITY, its officers, agents, and/or employees or contractors of any of the rights grant to it by this Easement document.
4. It is expressly understood that DISTRICT will not be called upon to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this Easement document.
5. The provisions and agreements contained in this Easement document shall be binding upon CITY, its successors, and assigns.

To the extent any lawful assessment be levied pertaining to the area to which this easement applies and to the extent that the assessment is based on the structures and improvements being constructed under the authority of this easement and provided further that the assessment be levied following CITY's exercise of these easement rights to construct such structures and improvements, CITY agrees to pay on behalf of DISTRICT that part of any such assessment levied against DISTRICT, which is based on the value contributed to that area by CITY's said improvements.

Dated February 16, 2016



LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By Hilda J. Arlis

Chair, Board of Supervisors of the Los Angeles County
Flood Control District

(LACFCD-SEAL)

ATTEST:

PATRICK OGAWA, Acting Executive Officer
of the Board of Supervisors
of the County of Los Angeles

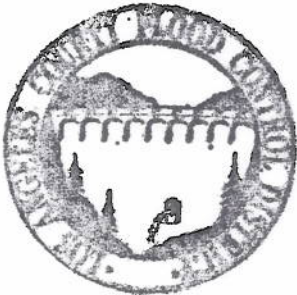
By Carla Little
Deputy

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring the Chair's signature.

The undersigned hereby certifies that on this 16th day of February, 2016, the facsimile signature of HILDA L. SOLIS, Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



(LACFCD-SEAL)

PATRICK OGAWA, Acting Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By Carla Little
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By Eric Card
Deputy

APPROVED as to title and execution,
_____, 20____.

DEPARTMENT OF PUBLIC WORKS
Survey/Mapping & Property Management Division

Supervising Title Examiner

By _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant herein, dated _____, from the Los Angeles County Flood Control District, a body corporate and politic, to the City of Pomona, a municipal corporation, is hereby accepted by approval of the City Council of the City of Pomona at its meeting held on _____, and the Grantee consents to the recordation thereof by its duly authorized officer.

Dated _____

By _____

File with: THOMPSON CREEK 98
Affects: Parcel No. 103
Also affects: Project 520, Parcels Nos. 1 and 2
23-RW7.2 (Thompson Creek)
275-520-RW1 (Project 520)
A.I.N.: 8370-009-905 and -906
T.G. 600 (J2)
I.M. 144-357
S.D. 1
PCA M1523002

EXHIBIT "A"
LEGAL DESCRIPTION

CITY OF POMONA - WATERLINE EASEMENT
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

PARCEL NOS. 1GE, 2GE, 98GE, AND 103GE (Easement for Waterline Purposes):

Those certain parcels of land situated in the City of Pomona, County of Los Angeles, State of California, being those portions of Lot 27, Lot T and Lot U of Tract No. 1585 as shown on the map recorded in Book 21 of Maps, at Pages 18 and 19 in the Office of the County Recorder of said County, and that portion of Williams Street (now known as Williams Avenue), as shown on said map, vacated by the Council of the City of Pomona Resolution No. 64-370, recorded in Book D2671, page 874, of Official Records, in the office of said County Recorder, and lying within the land described as Parcel No. 1 and Parcel No. 2, both in a Final Order of Condemnation, had in Superior Court Case No. 790062, a certified copy of which is recorded in Book D2013, Page 176 of said Official Records and lying within the land described as Parcel No. 98 (Amended) and Parcel No. 103, both in a Final Order of Condemnation, had in Superior Court Case No. 833646, certified copies of which are recorded in Book D3153, page 236 and in Book D3278, page 890, respectively, both of said Official Records, described in parts as follows:

PART A:

A strip of land 4.00 feet in width the centerline of said strip being described as follows:

COMMENCING at the intersection of the northwesterly line of said Lot 27 with the southwesterly line of Foothill Boulevard, being a line parallel with and 50.00 feet southwesterly from the centerline of Foothill Boulevard as shown on said Tract No. 1585;

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591-6022

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August 18, 2015
JN 130475
Page 1 of 3

EXHIBIT "A"
LEGAL DESCRIPTION

CITY OF POMONA - WATERLINE EASEMENT
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

Thence along said southwesterly line of Foothill Boulevard South 68°21'37" East 25.91 feet to the **TRUE POINT OF BEGINNING**;

Thence South 55°23'23" West 5.41 feet to a point on a line parallel with and 54.50 feet southwesterly from said centerline, said point hereinafter referred to as **Point "A"**;

Thence along said parallel line North 68°21'37" West 65.27 feet;

Thence North 23°21'37" West 2.68 feet to the northwesterly line of Thompson Creek as described in said Parcel No. 98 (Amended).

The sidelines of said strip to be prolonged or shortened at the angle points to terminate at their points of intersections, and to terminate northeasterly in said southwesterly line of Foothill Boulevard and northwesterly in said northwesterly line of Thompson Creek.

PART B:

A strip of land 4.00 feet in width the centerline of said strip being described as follows:

BEGINNING at **Point "A"** described above;

Thence South 68°21'37" East 13.85 feet to the southeasterly line of said Parcel 103.

The sidelines of said strip to be prolonged or shortened to terminate southeasterly in said southeasterly line of Parcel 103.

EXCEPTING therefrom that portion included within Part A described above.

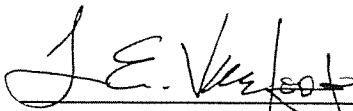
Total area of PARCEL NOS. 1GE, 2GE, 98GE, and 103GE, having two parts, containing: 339 square feet, more or less.

EXHIBIT "A"
LEGAL DESCRIPTION

CITY OF POMONA - WATERLINE EASEMENT
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

EXHIBIT "B" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.


Thomas E. Verloop, PLS 5348 08/18/2015
Date

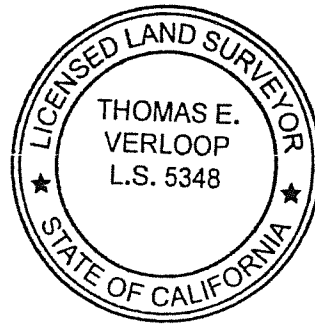
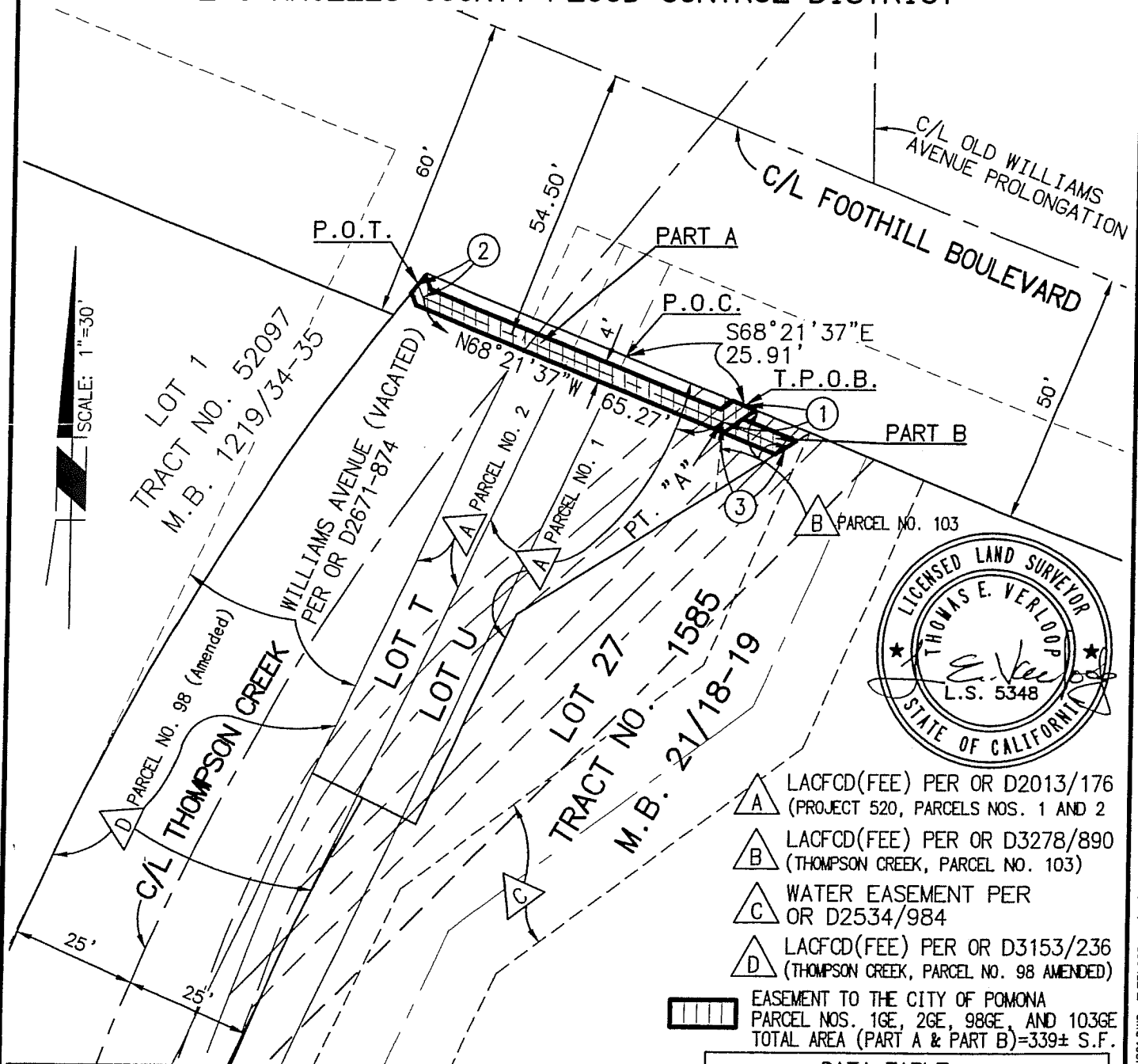


EXHIBIT "B"

CITY OF POMONA WATERLINE EASEMENT

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT



REFERENCE
 LACFCD RIGHT OF WAY MAP NOS.
 23-RW7.2 (THOMPSON CREEK)
 275-520-RW1 (PROJECT 520)
 A.I.N. 8370-009-905 & -906
 T.G. 600(J2)



SCALE: 1"=30'

SHEET 1 OF 1 SHEET

RBF
CONSULTING

PLANNING ■ DESIGN ■ CONSTRUCTION

40810 COUNTY CENTER DRIVE, SUITE 100
 TEMECULA, CALIFORNIA 92591-6022
 951.676.8042 ■ FAX 951.676.7240 ■ www.RBF.com

AUGUST 18, 2015

SCALE
 1"=30'

JOB NO.
 130475